

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

BOSTON DIVISION

**MASSACHUSETTS INSTITUTE OF
TECHNOLOGY,**

Plaintiff,

v.

**HARMAN INTERNATIONAL INDUSTRIES,
INCORPORATED,**

A Delaware Corporation,

Defendant.

**Case No: 05-10990 DPW
Hon. Douglas P. Woodlock**

**DEFENDANT HARMAN'S REPLY IN SUPPORT OF ITS
RULE 12(B)(3) MOTION TO DISMISS UNDER THE FIRST-TO-FILE RULE¹**

¹ As filed, Harman moved under Rule 12(b)(2) & (3) to dismiss for lack of personal jurisdiction or under the first-to-file rule. MIT requested broad discovery, much of which had no bearing on the lack of personal jurisdiction over Harman, claiming it could not otherwise respond to Harman's motion. Rather than engage in costly, time-consuming discovery that is unrelated to the merits of the parties' dispute, Harman withdrew only the Rule 12(b)(2) portion of the present motion on June 30, 2005.

MIT's suit here in Massachusetts should be dismissed because it is nothing more than the infringement counterclaim it should have filed in the Illinois suit that Harman brought eight weeks beforehand. It was MIT who centered the parties' dispute in Illinois, not Harman. MIT engaged Robert Swartz—its Manager, Intellectual Property—to assert the patent-in-suit against Harman. MIT Opp. Br., Ex. 3.1 at 2 n.1. MIT concedes that Robert Swartz “lives in Illinois,” “assist[ed] MIT in licensing some of its technology, began discussions with Harman about licensing [U.S. Patent 5,177,685] the '685 patent,” and “had meetings with Harman in Chicago.” MIT Ill. Br. at 2, 4; MIT Opp. Br., Ex. 3.1 at 2 n.1.

MIT also concedes that its Illinois agent repeatedly charged Harman with infringement. MIT Opp. Br. at 5, ¶¶ 7-8. MIT's Illinois agent threatened more than once to sue Harman. *See* MIT Opp., Ex. 3.2 (attaching Harman's Ill. Ex. 6) ¶¶ 13-27. MIT's accusations against Harman and Harman's customers provided the basis for Harman's reasonable apprehension of being sued. *Sierra Applied Sciences, Inc. v. Adv. Energy Indus., Inc.*, 363 F.3d 1361, 1374-75 (Fed. Cir. 2004) (reversing dismissal and finding independent grounds for reasonable apprehension based upon two letters, spaced more than four years apart, that charged infringement and threatened to “aggressively protect [patent] rights”); *Vanguard Research, Inc. v. Peat, Inc.*, 304 F.3d 1249, 1255 (Fed. Cir. 2002) (reversing dismissal where patentee informed competitor's customers that competitor was infringing); *Arrowhead Indus. Water, Inc. v. Ecolochem, Inc.*, 846 F.2d 731, 737-38 (Fed. Cir. 1988) (finding reasonable apprehension where patentee threatened manufacturer and its customer but did not expressly charge infringement).

Only after the parties negotiated for two years in an effort to resolve their dispute without litigation; only after Harman presented multiple, detailed analyses demonstrating the non-infringement, invalidity, and unenforceability of each claim MIT asserted (Compl. at ¶¶ 22-29)

while MIT's charges of infringement and threats of litigation became more persistent; only after the parties agreed on a final meeting and Harman negotiated in good faith in that final meeting, just as it had with all prior meetings and communications, even though MIT again refused to address the substance of Harman's analyses; and only after MIT demonstrated in those negotiations that it would continue to demand a royalty from Harman for an invalid patent that was not infringed, did Harman file suit.

Far from being "completely unrelated to the dispute at issue" as MIT claims, MIT Br. at 3, ¶ 2, Illinois is the forum that MIT lured Harman into for commercial purposes. That Harman filed suit in Illinois can neither surprise nor prejudice MIT. Having availed itself of the benefits of Illinois to commercialize its patent, MIT's request to "litigate in its home forum" of Massachusetts is improper gamesmanship. MIT Br. at 3. MIT's suit here belies Federal Circuit law, First Circuit law and the law in this district—law that MIT made no effort to distinguish. *See Genentech, Inc. v. Eli Lilly and Co.*, 998 F.2d 931, 936 (Fed. Cir. 1993) (vacating dismissal of a first-filed declaratory action and finding that "When the patentee has explicitly charged that a current activity of the declaratory plaintiff is an infringement, 'certainty has rendered apprehension irrelevant, and one need say no more.'"); *Cianbro Corp. v. Curran-Lavoie, Inc.*, 814 F.2d 7, 11 (1st Cir. 1987) ("Where identical actions are proceeding concurrently in two federal courts, entailing duplicative litigation and a waste of judicial resources, the first filed action is generally preferred...."); *Holmes Group, Inc. v. Hamilton Beach/Proctor Silex*, 249 F. Supp. 2d 12, 15 (D. Mass. 2002) ("where two identical actions are pending concurrently in two federal courts, the first-filed action is generally preferred, even if it is a request for a declaratory judgment") (citing *Genentech*, 998 F.2d at 936, 937-38.)

MIT's contrived claims of poverty and inconvenience fall far short of the "oppressiveness and vexation" or "compelling circumstance" that warrant deviation from the first-to-file rule. *See Genentech*, 998 F.2d at 937-38; *GSI Lumonics, Inc. v. BioDiscovery, Inc.*, 112 F. Supp. 2d 99, 104-05 (D. Mass. 2000) (refusing to dismiss or transfer first-filed declaratory action because litigating in the first filed forum was not oppressive or vexatious) (quoting *Nowak v. Tak How Invs., Ltd.*, 94 F.3d 708, 728 (1st Cir. 1996) (internal quotation marks omitted)).

MIT chose Illinois, not Harman. MIT's suit here, which is nothing more than the infringement counterclaim that it should have filed in Illinois, should be dismissed.

I. Harman's First-Filed Illinois Action Is Proper And Entitled To Precedence.

MIT disregards the nearly two years of negotiations (including the claim charts Harman provided to MIT that demonstrate invalidity and non-infringement), repeated express charges of infringement and multiple threats of suit, and —facts that MIT has not denied here or in its Illinois filings—that led Harman to file suit. MIT Opp. at 2; *See* MIT Opp., Ex. 3.2 (attaching Harman's Ill. Ex. 6) (MIT "threatened ... to take this to the court system."); *See* MIT Opp., Ex. 3.2 (attaching Harman's Ill. Ex. 6) at ¶¶ 13-27. MIT has not denied that it expressly charged Harman with infringement or that such a charge satisfies the actual controversy requirement for Harman's earlier-filed suit. *See Genentech*, 998 F.2d at 936-37; *Sierra Applied Sciences, Inc. v. Adv. Energy Indus., Inc.*, 363 F.3d 1361, 1374-75 (Fed. Cir. 2004) (reversing dismissal and finding independent grounds for reasonable apprehension based upon two letters, spaced more than four years apart, that charged infringement and threatened to "aggressively protect [patent] rights"); *Vanguard Research, Inc. v. Peat, Inc.*, 304 F.3d 1249, 1255 (Fed. Cir. 2002) (reversing dismissal where patentee informed competitor's customers that competitor was infringing). Nor has MIT refuted that absent MIT's charges of infringement, the "totality of circumstances," with or without express threats of litigation, gives rise to an actual controversy. *Arrowhead*, 846 F.2d

at 735 (totality of circumstances supported reasonable apprehension where the “[patentees] conduct, including its statements [fell] short of an express charge”).²

MIT’s reliance on *Kleinerman* as compelling deference to this second-filed action is wrong and easily distinguishable. In *Kleinerman v. Luxtron Corp.*, 107 F. Supp. 2d 122, 124-25 (D. Mass. 2000), the parties’ negotiations had just begun and the second-filed suit came just two weeks after the first-filed declaratory action. Here, the parties negotiated for two years before Harman filed suit, and MIT filed eight weeks after Harman.. MIT’s accusations of “negotiation tactic” and “forum shopping” by Harman are not supported by the record and do not suffice to overcome the strong presumption in favor of Harman’s first-filed action. *Genentech*, 998 F.2d at 937-38. Under *Kleinerman*, the 8-weeks that MIT waited after Harman filed suit before filing suit against Harman here is a far cry from the 2-week “reasonable time” the *Kleinerman* court found. *Kleinerman*, 107 F. Supp. 2d at 123. And, MIT concedes, as it must, that Harman did not rush to file suit after MIT “notified Harman of suspected infringement.” See MIT Opp. at 5, ¶ 7 (admitting that the parties’ negotiations “ensued” nearly two years ago, “[b]eginning in 2003” when MIT’s Illinois-based “Manager of Intellectual Property” began accusing Harman’s *customers* of infringing the patent-in-suit); Harman Br., Ex. D; *Kleinerman*, 107 F. Supp. 2d at 124-25 (declaratory action was precipitously filed where alleged infringer was only recently “notified of suspected infringement”).

Further distinguishing *Kleinerman*, MIT does not dispute that Harman negotiated in good faith with MIT for nearly two years before filing suit, including attending several meetings,

² Harman’s reasonable apprehension is fully explained in the Illinois filings. See MIT Opp., Ex. 3.1. Neither here nor in Illinois has MIT denied that it expressly charged Harman with infringement or that the totality of circumstances shows Harman was placed in reasonable apprehension of being sued by MIT. The actual controversy issue, fully briefed in the Illinois Action. More importantly, MIT has made no effort here or in Illinois to distinguish the law upon which Harman relies.

providing detailed invalidity, non-infringement and unenforceability analyses. *See* MIT Opp. at 5, ¶ 7 and Exs. 3.3 and 3.4. Harman's good faith negotiations refute any accusation that Harman raced to the courthouse. *Kleinerman* at 124 (finding DJ plaintiff "cannot be accused of racing to the courthouse because it negotiated in good faith with [patent owner] for over eight months before filing for declaratory judgment"). MIT makes no showing, as *Kleinerman* requires, that it was negotiating in "good faith." Rather, the "unreasonable" royalty rates that MIT demanded from Harman just before Harman finally filed suit and MIT's steadfast refusal to consider Harman's *prima facie* showings of invalidity, non-infringement and unenforceability suggest otherwise. *See* MIT Opp., Ex. 3.2 (attaching Harman's Ill. Ex. 6) at ¶¶ 14,16-19, 21 and 26.

II. The Balance of Convenience Does Not Favor Maintaining MIT's Second-Filed Action Here.

MIT candidly admits that it wants to proceed with this second-filed action in Massachusetts because MIT is located here, then urges that it is "more convenient" to litigate here for essentially two reasons: (1) "all" of MIT's evidence is here; and (2) MIT cannot afford to defend itself in a foreign forum. Even if true (which they are not), MIT's reasons do not approach the kind of "special circumstances" required to avoid application of the first-to-file rule. *Biogen, Inc. v. Shering AG.*, 954 F. Supp. 391, 397-98 (D. Mass 1996) (refusing to dismiss a first-filed declaratory action for patent non-infringement in favor of a second-filed infringement case absent a showing of special circumstances) (citing *Genentech v. Eli Lilly Co.*, 998 F.2d 931, 937-38 (Fed. Cir. 1993)).

MIT not only fails to substantiate its assertion that "*all* of the information relevant to the case," *all* of the "information relevant to the claims in the case, and the potential witnesses and documents, are *all* located" in Massachusetts, MIT contradicts it. MIT Opp. at 5, ¶ 6; 8 (emphasis added); *see also* MIT. Opp., Ex. 4 at 1-2 (in Illinois, MIT argues that Harman's

evidence is likely to come from California, Michigan and Europe). MIT alleges that this “action involves Harman’s automobile navigation products” and that Harman’s evidence and “witnesses [are] in Michigan and Europe.” MIT Opp. at 10 (emphasis added). MIT admits that the primary inventor of the patent-in-suit (and the most likely source of discoverable information regarding the scope of the invention, conception, and reduction to practice) is located in Canada. MIT Opp. at 5, ¶ 6.

Admittedly, MIT identifies a single potential witness, “an employee of MIT,” who appears to be the primary inventor’s uninvolved research advisor. *Id.* But the location of MIT’s employees is irrelevant. *See Photogen, Inc. v. Wolf*, 2001 WL 477226 at *5 (N.D. Ill. 2001) (transfer denied because “[t]he parties will presumably ensure that [employees] are available to testify wherever the trial is held”). More importantly, MIT offers no reason to depart from the law in this district holding that factors “relat[ing] to ... domicile, the location of employees and witnesses, and the location of corporate officers, among others ... fall well short of any oppressiveness or vexation that would compel this Court to” disregard the strong presumption in favor of the first-filed case. *Biogen*, 954 F. Supp. at 397-98.

Equally unsupported and irrelevant is MIT’s claim of poverty. *Iragorri v. Int’l Elevator, Inc.*, 203 F.3d 8, 15, 17 (1st Cir. 2000) (“mere suggestion of greater financial strain is meaningless”). MIT as of 2001 had the sixth largest endowment of all Universities in the United States, totaling over \$6 Billion. *See* Ex. 1. MIT’s “endowment is only one of many revenue streams.” *Id.* At the end of fiscal year 2004, MIT boasted total investments valued at over \$7.88 Billion; and during that same year, MIT received over \$290 Million in “Cash Gifts.” Ex. 1.

Likewise, MIT cannot credibly deny that it derives substantial revenue from its patent licenses, or that its activities are sponsored by major corporations resident in Illinois such as AT&T and Motorola. *See* Ex. 2. MIT's attempt to analogize its fiscal ability and its 12,000 employees (MIT Opp. at 4) to those of the sole individual plaintiff in *Kleinerman*, strains credulity and, at best, understates MIT's wealth and prowess. *See Kleinerman*, 107 F. Supp. 2d at 125 (when assessing the "comparative financial abilities of the parties" the Court compared Marcos Y. Kleinerman, *an individual*, against *Luxtron Corp.*, and *H.G. Associates*, *two* "clearly" more wealthy *corporate defendants*).

Litigating in a foreign forum is not unduly burdensome or onerous for MIT, it is "an inevitable cost of doing business." *Kleinerman*, 107 F. Supp. 2d at 125. Not surprisingly, MIT has sued and been sued in courts all across the United States and abroad on many occasions. *See* Ex. 3 (showing MIT has been a party to litigation in N.C., CA, DE, TX, FL, DC, CO, NY, PA, IL, LA, SC, KY). . Allowing MIT's later-filed suit to proceed here would "merely serve to shift the burden rather than to eliminate it." *Kleinerman*, 107 F. Supp. 2d at 126. Accordingly, Harman's first-filed action is entitled to substantial deference and MIT's second-filed suit should be dismissed.

CONCLUSION

For these reasons, Defendant Harman International Industries, Inc.'s Rule 12(b)(3) Motion To Dismiss Under The First-To-File Rule should be granted.

Dated: July 29, 2005

Respectfully submitted,

/s/ Courtney A. Clark /s/
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EXHIBIT 1

MIT Facts 2005

Financial Data

MIT in Focus
Mission and Origins
Presidents of the Institute
Administrative Organization
Building MIT's Resources
Academic Schools and Departments
Accreditation
Undergraduate Education
Graduate Education
Research at MIT
Lincoln Laboratory
The Campus
Faculty and Staff
Enrollments 2004–2005
International Students
Admission to MIT
Tuition and Financial Aid
Housing
MIT Computing
MIT Libraries
MIT Press
The Arts
Athletics and Recreation
MIT and the Community
MIT and Industry
Educational Partnerships
Research Alliances
OpenCourseWare
MIT Students after Graduation
Association of Alumni and Alumnae
Geographic Distribution of Alumni/ae
Financial Data
Frequently Asked Questions
MIT Campus

Year-End Statistics, Fiscal Year 2004 (in millions)

Value of Plant and Invested Assets

Book value of educational plant	\$1,563.6
Market value of endowed funds	\$5,869.8
Book value of total investments	\$6,954.6
Market value of total investments	\$7,876.5

Cash Gifts to MIT

Individuals	\$163.1
Corporations	\$40.7
Foundations	\$80.4
Other	\$6.2
Total	\$290.4

Cash Gift Designations

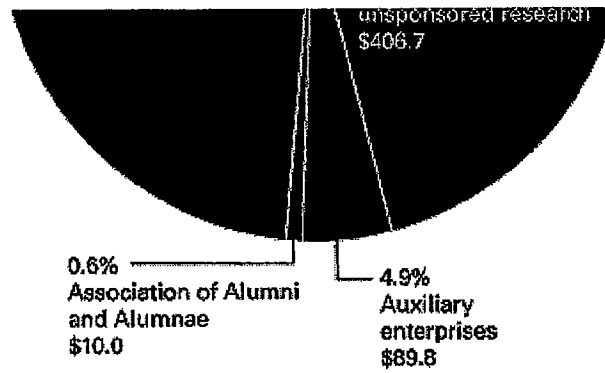
Faculty chairs	\$17.9
Scholarships and other undergraduate aid	\$8.5
Undergraduate education and student life	\$27.4
Graduate fellowships	\$23.8
Research and education programs	\$92.3
Construction and renovations	\$25.9
Unrestricted	\$91.8
Undesignated	\$2.8
Total	\$290.4

Fiscal Year 2004

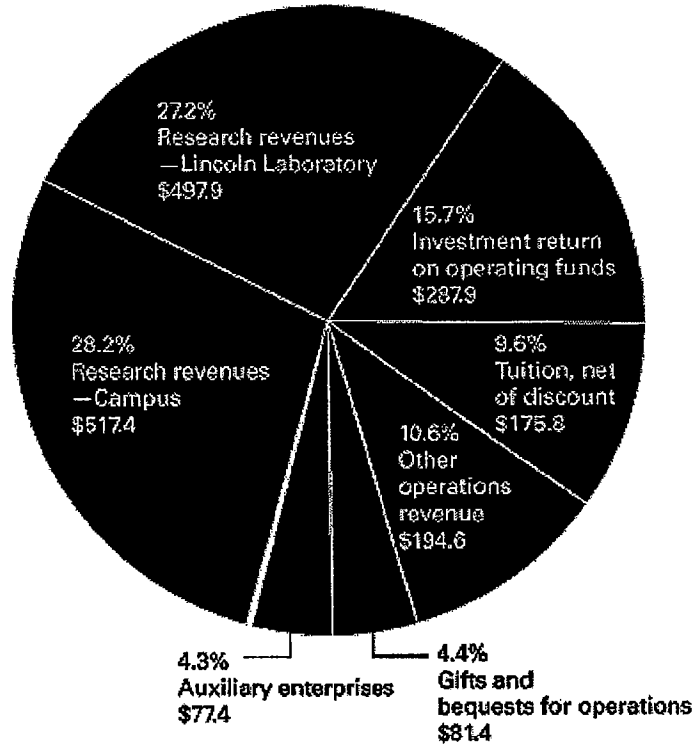
Operating Expenditures (in millions)

Total: \$1,839.9 million



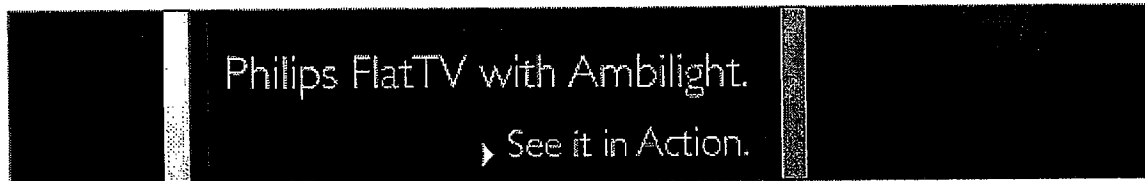


Fiscal Year 2004
Operating Revenues (in millions)
Total: \$1,832.4 million



Massachusetts Institute of Technology

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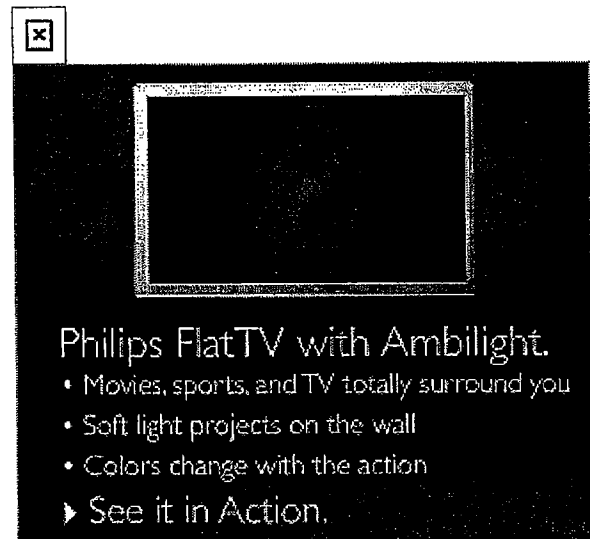
MIT's Financial State
By Sally Atwood July/August 2002

Endowment is a powerful thing. It buys faculty, students, and state-of-the art infrastructure and underpins the quality of life on any campus. It announces the wealth of an institution to the world. It's a measure of alumni loyalty and industry confidence. It's the nest egg that helps institutions weather the lean times, but most important, endowments provide financial stability and flexibility that allow institutions to grow and prosper.

Since 1998, MIT's endowment-donations to the Institute combined with returns on investments made with that money-has nearly doubled. As of June 30, 2001, it was valued at \$6.1 billion, making it the sixth largest among U.S. colleges and universities. A red-hot economy and an investment strategy that places 40 to 45 percent of the money in alternative investments-in private equity, real estate and hedge funds-secured these gains. But in 2001, the value of MIT's endowment declined, losing 3.7 percent of its investment value. And the losses continue: treasurer Allan Bufferd '59, SM '61, ScD '65, expects the endowment to shrink by another eight percent in the fiscal year ending this June 30.

As the endowment contracts, so does the money available to spend from the return on its investments. And since money paid out of the endowment contributes 35 percent of the Institute's annual operating budget, leaner times are on the horizon. There will be fewer million-dollar lab start-up packages for new faculty in "hot" fields. The new program of Institute-funded fellowships to lure the best graduate students in the world will be trimmed back. And the Institute cannot be as aggressive in offering financial-aid packages that are competitive with those of other top-flight universities.

But the full impact of the endowment's decline will not be felt on campus until fiscal 2004, which starts July 1, 2003. That's because each fiscal year MIT pays out between 4.75 and 5.5 percent of the endowment's average value during the previous 36 months. As the months that include the decline in value are added into that moving average, the amount of money available to spend will decrease. "In fiscal 2003, the financial pressures get a little tighter," says Bufferd. "The year after, if we don't get some recovery in terms of our portfolio, that's a serious question for the Institute.



Deeply serious? No. Serious, yes."

Life in the Good Times

The endowment works like a mutual fund with each share receiving a dividend. Some donors restrict how the money from the shares can be spent—for student financial aid, for example, or an endowed professorship. Other shares are unrestricted; the Institute can use returns from them however it sees fit.

In 1998, each share in the endowment was paid \$17.55. With the boom years folded into the moving average, that number jumped to \$42 a share for the fiscal year starting this July. Although that dramatic increase has allowed the Institute to be more aggressive in areas vital to its mission, increases per share in the coming years will be minimal, thus intensifying competition across the Institute for general funds.

For the Department of Physics, which depends on general Institute resources to a greater degree than most departments, the recent increase in return per share has been crucial for attracting new talent. Last year the department received an estimate of nearly \$2 million to build a new lab for an incoming faculty member. Such start-up packages have accelerated dramatically in recent years at top-caliber research universities, with million-dollar labs more common than not, according to Marc Kastner, chair of the department. "The competition is incredible," he says.

The coming tight fiscal years couldn't come at a worse time for physics. A flurry of retirements will force the department to hire four or five new faculty members a year over the next three years, and lab start-up packages for them will have to come out of the Institute's general funds. With intensified competition for a shrinking pool of dollars, physics may not always have the funds to entice the best new faculty prospects.

For Kastner, good start-up packages are critical to maintaining the physics department's strength. "We've had five Nobel Prize winners in the last 25 years. That's the result of investments made 40 years ago. We need to be doing the same thing now."

The high payout from the endowment also led to the Presidential Fellowship Program, which offers the first Institute-funded graduate fellowships in the school's history. Until the program was established in 1998, graduate fellowships were funded primarily through research grants, so they required students to begin working on research as soon as they reached campus. Now, first-year graduate students who have their expenses paid by the presidential fellowships have no research or work requirements. This means they can take a year to learn about the research in their departments and then decide what interests them most. The program has been especially important for physics, which competes against a large group of top-tier schools for graduate students. Having the first year of graduate school fully funded has attracted stronger students to the department, Kastner says, because they can focus on academics first and research later.

According to Provost Robert Brown, the Presidential Fellowship Program is the area of greatest concern across the Institute. "We built it into the budget to be supported internally off general Institute funds with the expectation of replacing those funds with funds from the endowment raised specifically for that purpose," he explains. But gifts to endow graduate fellowships have lagged, and coupled with the decrease in unrestricted monies expected by 2004, that shortfall will force the fellowship program to scale back.

Financial aid is another area where the huge jump in available funds has made a significant impact. For the academic year 2000-2001, undergraduates received \$34.5 million in grants and scholarships. For 2002-2003, that figure has swelled to \$42.8 million. Of that, \$36.8 million comes from shares in the endowment that are restricted to financial aid and from gifts earmarked for that purpose. The remainder comes from the general, unrestricted funds from the endowment-the same pool that physics depends on.

Making more aid available was not done to offset rising costs, says Elizabeth Hicks, director of student financial services. Rather, it was an attempt to build more-competitive financial-aid packages. "We've made a tremendous effort to decrease what students are expected to borrow and earn," says Hicks. Students are now expected to contribute \$5,600 during the academic year, down from the previous \$7,600. But that number needs to be even lower, she says. Three of the top schools that compete with MIT for incoming students expect them to contribute less than the Institute does. Stanford University expects students to contribute \$5,250, Harvard University \$3,250 and Princeton University \$2,320.

MIT's aid offerings also tend to be low because the Institute, unlike its competitors, still includes home equity in the financial-need analysis. "Our financial-aid packages are not as generous as our competitors'," says Hicks. "MIT has a lot of catching up to do."

Hicks hopes that, to allay some of the concerns about financial aid, the Institute's current capital campaign will raise enough new money for the endowment to satisfy a larger percentage of the financial-aid budget, reducing her reliance on unrestricted general funds.



Planning for the Down Times

Looking forward to the fiscal 2004 budget, which will be based on the 36 months that include the endowment's recent losses, the Institute is already taking steps to soften the blow. First, for fiscal 2003, a percentage of the funds that could be spent from the endowment return were not distributed, reserved instead for tighter years-a kind of rainy-day fund. In addition, administrators are employing different budgeting strategies.

"We intimated clearly to everyone who is dependent on general funds that the growth they've seen in prior years is going to decline," says John Curry, MIT's vice president for administration, who collaborates with Brown and Chancellor Phillip Clay, PhD '75, on developing the Institute's operating budget.

Curry has provided financial officers with workshops on how to examine their budgets for ways to increase efficiencies. He also has held back one percent of nonsalary costs in fiscal 2001 and 2002. Other strategies include slightly lower salary increases, less-aggressive growth in financial-aid awards, and reevaluation of positions that open to see if they are necessary or if they can be left at least temporarily unfilled.

The lagging endowment affects tuition as well. In February, President Charles M. Vest HM announced that tuition for 2002-03 will be \$28,230, a 4.7 percent annual increase. "There's no doubt that in times when the endowment is increasing, there's less pressure on raising tuition," says Brown.

Still, he says, return from the endowment is only one of many revenue streams that MIT considers when it sets tuition; others include new gifts to the Institute, sponsored research funds and auxiliary enterprises such as residence halls and dining halls. Even with the tuition hike, the Institute will experience a decrease in tuition revenue next year because the incoming class was decreased from 1,033 to 1,000 students to reduce crowding in residence halls.

Is MIT on sound financial footing? Absolutely, says Bufferd. "No institution with an endowment larger than us has outperformed us on an investment return basis in the last five years," he says.

But Bufferd feels that MIT is underendowed. The most telling financial measure, he says, is "not the size of your assets, it's the ratio of assets to your operating budget." The higher this ratio, the healthier and more flexible the institution. With MIT's total financial assets, as of June 30, 2001, weighing in at about \$7.3 billion and an operating budget of about \$1.4 billion, MIT's ratio is about five or six. By comparison, he says, the ratio at Harvard is eight or nine; at Williams College, it's been even higher. "You see that reflected in other things," he says. For example, in 2000-2001, Williams froze tuition.

The cost of developing science and engineering labs and furnishing them with the latest equipment puts a higher demand on MIT's resources than most other colleges and universities have to contend with. And with the key competitors for incoming students being schools with significantly larger endowments and less-intensive infrastructure demands than MIT, the need to grow the Institute's endowment continues to escalate.

Despite tough economic times, both Brown and Curry are confident that MIT can maintain its position. "The glass is always half full at MIT," says Curry. "I feel enormously positive about it now. When the going gets tough, the best get better, and that puts MIT in a very strong competitive position in bad times."

Brown echoes that confidence. "As an institution, we are able to attract the very best faculty, and our financial aid attracts the very best undergraduates," he says. "As long as we can do those things, we'll be fine."

Top 10 Endowments, 2001 (in millions)

School	Endowment
Harvard	\$17,951
Yale	\$10,700
U. of Texas System	\$9,364
Princeton	\$8,359
Stanford	\$8,250
MIT	\$6,135
U. of California	\$4,703
Emory	\$4,316
Columbia	\$4,293

Texas A&M U. System and Foundation	\$4,031
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39.678016099195

CATEGORY_KEYWORDS:

UID:- UL: 2 - IE:False/



EXHIBIT 2

MIT MEDIA LABORATORY SPONSORS

CORPORATE AND STRATEGIC RESEARCH PARTNERS*

BT
Information and
Communications University
The LEGO Group
Motorola, Inc.
Samsung Electronics Co., Ltd.
Swatch AG
Telmex

RESEARCH CONSORTIA AND JOINT PROGRAMS

Center for Bits and Atoms
Hewlett-Packard
Microsoft Corporation
Sun Microsystems
UPM-Kymmene

Changing Places

Salt River Project
State Farm Insurance

Communications Futures Program

Cisco Systems, Inc.
Comcast
France Telecom/Orange
Nokia Corporation
Nortel Networks

Consumer Electronics Lab

Best Buy
Corning Inc., Display Group
Seagate Technology
VEIL Interactive Technologies

Digital Life (DL)

Banco Bradesco
Bertelsmann AG
Brightstar Corporation
Cisco Systems, Inc.
France Telecom/Orange
Industrial Technology Research
Institute
Nevengineering, Inc.
Nortel Networks
NTT Comware
Panasonic Technologies
Company
Philip Morris USA
QUALCOMM Incorporated
Sony Corporation
Stan Winston Studio, Inc.
Telecom Italia LAB

RESEARCH CONSORTIA AND JOINT PROGRAMS (cont.)**\$100 Laptop**

AMD
Google
News Corporation

SIMPLICITY (formerly Information Organized)

AARP
Grupo Estado
Johnson & Johnson Services
Time Inc. Production
US Department of Defense

Things That Think (TTT)

Alps Electric Co., Ltd.
American Greetings Corporation
Brother Industries, Ltd.
Canon, Inc.†
Cleanup Corporation
FEI Company
Fraunhofer e.V.
Fujitsu
General Motors
Hewlett-Packard Company
Honda
Intel
International Business Machines
Kaiser Foundation Health Plan, Inc.
Konica Minolta Technology Center, Inc.

LG Electronics, Inc.†
Mattel, Inc.
Microsoft Corporation
Nokia Corporation
Ricoh Co., Ltd.†
Sanyo Electric Company, Inc.
Schlumberger
Sensormatic Electronics Corp.
Steelcase Inc.
Sun Microsystems
TOPPAN Printing Co., Ltd.
Toshiba†
Yamaha Corporation
Zebra Technologies

SPECIAL INTEREST GROUPS**Counter Intelligence**

Cleanup Corporation

Gray Matters

AARP

Silicon Biology / Personal Fabrication

Toshiba

SPECIAL FUNDS

ASCII Corporation
BT
CSK Corporation
Heller Werkstatt
Intel
The LEGO Group
Nortel Networks
NTT Comware
Performing Arts Center of Miami
SEED Foundation
SEGA
Telmex

RESEARCH CONTRACTS

Business Design Laboratory
Carnegie Corporation
Alex and Brit d'Arbeloff Fund
Hewlett-Packard Company
NASA
National Institute of Standards & Technology
National Science Foundation
Old Dominion University/NASA
Office of Naval Research
University of Memphis/NSF
University of Michigan/US Army/US Navy
University of Wisconsin/USAF
US Air Force
US Army
US Defense Advanced Research Projects
Agency
US Navy

AFFILIATES

Telenor R&D

ENDOWMENT AND NAMING GRANTS

Rudge and Nancy Allen
Asahi Broadcasting Corporation
AT&T Corp.
Armand and Celeste Bartos
Benesse Corporation
BT
Joseph Chung
Alexander W. Dreyfoos, Jr.
Informatix, Inc.
The LEGO Group
LG Electronics, Inc.
MasterCard International
Misawa Homes
Motorola, Inc.
NEC
Isao Okawa
Schlumberger
Sony Corporation
Swatch AG
Telmex
Toshiba
Philippe Villers

March 2005

*Members of all consortia and special interest groups, with resident researchers.

†Consortium sponsor with resident researcher.

EXHIBIT 3

Civil Cases

	Name	Court	Case No.	Filed	NOS	Closed
	MASSACHUSETTS					
22	INSTITUTE OF TECHNOLOGY	ncmdce	1:2004mc00027	04/12/2004	0	06/09/2004
	ARIAD PHARMACEUTICAL, ET AL vs. ELI LILLY & CO.					
	MASSACHUSETTS					
23	INSTITUTE OF TECHNOLOGY	candc	3:1999cv00042	01/07/1999	830	02/26/1999
	RSA DATA SECURITY vs. BALTIMORE TECH					
	MASSACHUSETTS					
24	INSTITUTE OF TECHNOLOGY	dedce	1:2001cv00074	02/07/2001	830	09/18/2001
	IKOS SYSTEMS INC., ET AL vs. AXIS SYSTEMS INC.					
	MASSACHUSETTS					
26	INSTITUTE OF TECHNOLOGY	txsdce	4:2005mc00100	03/23/2005		03/31/2005
	MASSACHUSETTS INSTITUTE OF TECHNOLOGY vs. IMCLONE SYSTEMS, INC.					
	MASSACHUSETTS					
27	INSTITUTE OF TECHNOLOGY	candc	3:2000cv00105	01/10/2000	830	01/11/2000
	RSA SECURITY INC. vs. ENTRUST TECHNOLOGIES					
	MASSACHUSETTS					
28	INSTITUTE OF TECHNOLOGY	flndce	1:2002cv00127	07/07/2003	820	08/11/2003
	ELSEVIER SCIENCE, ET AL vs. CUSTOM COPIES INC, ET AL					
	MASSACHUSETTS					
29	INSTITUTE OF TECHNOLOGY	txsdce	4:2005mc00138	04/15/2005		06/29/2005
	MASSACHUSETTS INSTITUTE OF TECHNOLOGY vs. IMCLONE SYSTEMS, INC.					

MASSACHUSETTS
 30 INSTITUTE OF TECHNOLOGY dedce 1:2001mc00263 06/25/2001 0 05/31/2002
 NANOGEN, INC., ET AL vs. MOTOROLA INC, ET AL

MASSACHUSETTS
 31 INSTITUTE OF TECHNOLOGY dedce 1:2003mc00265 07/02/2003

MASSACHUSETTS
 32 INSTITUTE OF TECHNOLOGY cofce 1:2000cv00274 05/11/2000 118
 SWEET, ET AL vs. USA

MASSACHUSETTS
 33 INSTITUTE OF TECHNOLOGY cacadce 2:2003cv00283 01/10/2003 890 03/21/2003
 ELSEVIER SCIENCE INC, ET AL vs. WESTWOOD COPIES INC, ET AL

MASSACHUSETTS
 34 INSTITUTE OF TECHNOLOGY cofce 1:2000cv00292 05/22/2000 134
 MASSACHUSETTS INSTIT vs. USA

MASSACHUSETTS
 35 INSTITUTE OF TECHNOLOGY dedce 1:2005cv00294 02/08/2005 820
 BLACKWELL PUBLISHING, INC. vs. HAN

MASSACHUSETTS
 36 INSTITUTE OF TECHNOLOGY txwdc 5:1998cv00299 04/08/1998 550 05/28/1998
 NELSON vs. SECRETARY OF DEFENSE

MASSACHUSETTS
 37 INSTITUTE OF TECHNOLOGY txedce 5:2001cv00343 12/28/2001 830 06/26/2002
 MASS INST OF TECH, ET AL vs. GATEWAY, INC., ET AL

MASSACHUSETTS
38 INSTITUTE OF TECHNOLOGY txedce 5:2001cv00344 12/28/2001 830 11/12/2004

MASS INST OF TECH, ET AL vs. ABACUS SOFTWARE, ET AL

MASSACHUSETTS
42 INSTITUTE OF TECHNOLOGY casdc 3:2000cv00872 04/28/2000 830 07/30/2001

NANOGEN INC vs. MOTOROLA INC

MASSACHUSETTS
44 INSTITUTE OF TECHNOLOGY nyndce 1:2002cv00979 07/26/2002 350

SEALE vs. NEWELL, ET AL

MASSACHUSETTS
46 INSTITUTE OF TECHNOLOGY candc 3:2000cv01091 03/28/2000 830 06/30/2000

RSA SECURITY INC. vs. IONA TECHNOLOGIES

MASSACHUSETTS
47 INSTITUTE OF TECHNOLOGY paedce 2:2012md01203 12/11/1997 465

DIET DRUGS vs. , ET AL

MASSACHUSETTS
48 INSTITUTE OF TECHNOLOGY ilndce 1:2005cv01481 03/14/2005 830

HARMAN INTERNATIONAL INDUSTRIES, INCORPORATED vs.
MASSACHUSETTS INSTITUTE OF TECHNOLOGY

MASSACHUSETTS
49 INSTITUTE OF TECHNOLOGY candc 3:1999cv01581 04/01/1999 830 09/02/1999

RSA DATA SECURITY vs. NOVELL, INC.

52 MASSACHUSETTS INSTITUTE OF ilcdce 2:2003cv02034 02/20/2003 820 10/10/2003

TECHNOLOGY
ELSEVIER INC, ET AL vs. PARADIGM BOOKS INC, ET AL

MASSACHUSETTS
53 INSTITUTE OF TECHNOLOGY codce 1:1998cv02062 09/24/1998 830 11/30/1998
PEAK AUDIO, INC., ET AL vs. MA INSTITUTE TECHNOL

Civil Cases

	Name	Court	Case No.	Filed	NOS	Closed
58	MASSACHUSETTS INSTITUTE OF TECHNOLOGY	laedce	2:2004cv03359	12/09/2004	190	01/06/2005
	ENG DYNAMICS INC vs. MA INST OF TECH					
59	MASSACHUSETTS INSTITUTE OF TECHNOLOGY	candc	3:1998cv03472	09/11/1998	830	03/24/1999
	RSA DATA SECURITY vs. SCHLAFLY					
61	MASSACHUSETTS INSTITUTE OF TECHNOLOGY	txsdce	4:1997cv04220	12/31/1997	830	05/05/1998
	LIFECCELL CORPORATION vs. INTEGRA LIFESCIENCES, ET AL					
62	MASSACHUSETTS INSTITUTE OF TECHNOLOGY	nysdce	1:2000cv05141	07/13/2000	190	
	CONVOLVE, INC., ET AL vs. COMPAQ COMPUTER CORP, ET AL					
65	MASSACHUSETTS INSTITUTE OF TECHNOLOGY	paedce	2:1996cv05649	08/14/1996	830	11/24/1997
	ELECTRO-PYROLYSIS vs. INTEGRATED ENVIRONME, ET AL					
66	MASSACHUSETTS INSTITUTE OF TECHNOLOGY	cacdce	2:2004cv06301	07/29/2004	820	11/18/2004
	ELSEVIER INC vs. OZUNA					
67	MASSACHUSETTS INSTITUTE OF TECHNOLOGY	cacdce	2:2004cv06302	03/29/2005	820	

JOHNS HOPKINS UNIVERSITY vs. UNIGRAPH INC

Civil Cases

Name	Court	Case No.	Filed	NOS	Closed
161 MASSACHUSETTS INSTITUTE OF TECHNOLOGY	paedce	2:1998cv20446	05/20/1998	365	06/14/2002

LUKE, ET AL vs. AMERICAN HOME PROD., ET AL

162 MASSACHUSETTS INSTITUTE OF TECHNOLOGY	candce	5:2001cv21079	09/18/2001	830	12/05/2002
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IKOS SYSTEMS, INC. vs. AXIS SYSTEMS, INC.

Civil Cases

Name	Court	Case No.	Filed	NOS	Closed
164 MASSACHUSETTS INSTITUTE OF TECHNOLOGY	scdce	6:2004cv22138	09/07/2004	830	10/25/2004

TREXEL INC, ET AL vs. DISPOZO PRODUCTS INC

165 MASSACHUSETTS INSTITUTE OF TECHNOLOGY ("MIT RESEARCH REACTOR")	kyedce	3:1995cv00058	07/05/1995	893	01/20/1998
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USA vs. AAI CORPORATION, ET AL

168 MASSACHUSETTS INSTITUTE OF TECHNOLOGY,	nyedce	0:1995cv03845	09/21/1995	440	09/18/1997
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HEINRICH, ET AL vs. SWEET, ET AL

Courtlink:

U.S. District - California Northern	4:02cv3085	Gateway Inc v. Electronics for Imaging Inc et al	06/27/2002	08/05/2002	Active	NOS (830) Patent
Defendant: The Massachusetts Institute of Technology						

U.S. District - California Northern	5:02cv3128	Micron PC, LLC v. Electronics for Imaging Inc et al	06/28/2002	08/26/2002	Active	NOS : (830) Patent
Defendant The Massachusetts Institute of Technology						

U.S. District - California Northern	5:02cv3141	Samsung Electronics Co, Ltd et al v. Electronics for Imaging, Inc Et A	06/28/2002	08/26/2002	Active	NOS : (830) Patent
Defendant The Massachusetts Institute of Technology						

8 of 28 DOCUMENTS

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UNITED STATES DISTRICT COURT

COUNTY: COOK COUNTY, ILLINOIS

PLAINTIFF: MA INST TECH ET AL

DEFENDANT: LIFECALL CORP

CASE NAME: MA INST TECH ET AL v. LIFECALL CORP

CASE NUMBER: 98C 0001158

FILING DATE: 2/24/98

TYPE: CIVIL SUIT-OTHER STATUTES-890 OTHER STATUTORY ACTIONS

ATTORNEY: KENNETH L BRESSLER

JUDGE: KOCORAS

Not Reported in F.Supp.2d
2004 WL 1724632 (S.D.Ind.)

Page 1

(Publication page references are not available for this document.)

H

Only the Westlaw citation is currently available.

United States District Court,
S.D. Indiana, Indianapolis Division.
ELI LILLY AND COMPANY, Plaintiff,
MASSACHUSETTS INSTITUTE OF TECHNOLOGY, and Interneuron Pharmaceuticals, Inc.,
Involuntary Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC., Defendant.

No. IP 02-0512-C-B/S.

July 29, 2004.

Dominick A Conde, Fitzpatrick Cella Harper & Scinto, New York, NY, for Plaintiff.

Brian H Corcoran, Katten Muchin Zavis Rosenman, Washington, DC, for Plaintiff.

Donald Knebel, Barnes & Thornburg, Indianapolis, IN, for Plaintiff.

Jeffrey C McDermott, Krieg Devault Alexander Capehart, Indianapolis, IN, for Plaintiff.

Timothy J Vezeau, Katten Muchin Zavis Rosenman, Chicago, IL, for Plaintiff.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

BARKER, J.

This case comes before the court, after a bench trial held November 12- 24, 2003, for decision on the issue of patent invalidity under 35 U.S.C. §§ 102 and 103. Plaintiff, Eli Lilly and Company ("Lilly"), filed suit against Defendant, Teva Pharmaceuticals USA, Inc. ("Teva"), for infringement of U.S. Patent No. 4,971,998 ("the '998 patent"). Teva conceded, based on the court's July 21, 2003 Claim Construction ruling, that its generic drug indication infringed Claim 2 of the '998 patent. Therefore, the only decision currently before the court is whether the '998 patent is invalid, either as anticipated under 35 U.S.C. § 102 or obvious under 35 U.S.C. § 103. For the reasons explicated below, we conclude that the '998 patent was neither anticipated nor obvious, and is, therefore, valid and enforceable.

Findings of Fact

I. Background [FN1]

FN1. Unless otherwise indicated, these background facts are taken from the parties' joint submission of Facts That Are Admitted and Will Require No Proof at Trial. (Dkt.# 167.)

Search Result

Rank(R) 1 of 31

Database
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LAWSUIT RECORDS

Current Date: 07/27/2005
Court Last Updated: 07-24-2005
Source: CLERK OF THE COURT, SAN FRANCISCO COUNTY SUPERIOR COURT, CA
Database Last Updated: 09-20-2001

CASE INFORMATION

Case Number: SCV 997436
Filing Date: 08/24/1998
Case Type: SUPERIOR CIVIL
Filing Office: SAN FRANCISCO COUNTY SUPERIOR COURT
Venue: SAN FRANCISCO, CA

PARTY INFORMATION

Plaintiff: AMERICAN ASBESTOS COMPANY - CROSS COMPLAINANT
Plaintiff: HAMILTON MATERIALS INC - CROSS COMPLAINANT
Plaintiff: QUINTEC INDUSTRIES INC - CROSS COMPLAINANT
Plaintiff: SHANNON CAY SUSAN
Plaintiff: SHANNON MICHAEL T
Plaintiff: THOMAS DEE ENGINEERING COMPANY - CROSS COMPLAINANT
Defendant: 4520 CORP INC - CIVIL DEFENDENT
Defendant: AMCHEM PRODUCTS INC - CIVIL DEFENDENT
Defendant: AMERICAN ASBESTOS COMPANY - CIVIL DEFENDENT
Defendant: AMERICAN STANDARD INC - CIVIL DEFENDENT
Defendant: ANDERSON ROWE & BUCKLEY - CIVIL DEFENDENT
Defendant: AP GREEN SERVICES INC - CIVIL DEFENDENT
Defendant: ASTEN GROUP INC - CIVIL DEFENDENT
Defendant: A W CHESTERTON COMPANY - CIVIL DEFENDENT
Defendant: BLOUNT INC - CIVIL DEFENDENT
Defendant: BROWN & ROOT TECHNICAL SERVICES INC - CIVIL DEFENDENT
Defendant: CBS CORPORATION - CIVIL DEFENDENT
Defendant: CHEVRON PRODUCTS COMPANY - CIVIL DEFENDENT
Defendant: CLEAVER-BROOKS - CIVIL DEFENDENT
Defendant: DARCOID COMPANY OF CALIFORNIA - CIVIL DEFENDENT
Defendant: DILLINGHAM CONSTRUCTION NA INC - CIVIL DEFENDENT
Defendant: DRESSER INDUSTRIES INC - CIVIL DEFENDENT
Defendant: DURABLE MANUFACTURING COMPANY - CIVIL DEFENDENT

Defendant: E J BARTELLS CO THE - CIVIL DEFENDENT
 Defendant: FLUOR CORPORATION - CIVIL DEFENDENT
 Defendant: GARLOCK INC - CIVIL DEFENDENT
 Defendant: GENERAL CABLE CORP - CIVIL DEFENDENT
 Defendant: GENERAL ELECTRIC CAPITAL CORP - CIVIL DEFENDENT
 Defendant: GENERAL ELECTRIC COMPANY - CIVIL DEFENDENT
 Defendant: GRAYBAR ELECTRIC COMPANY INC - CIVIL DEFENDENT
 Defendant: HAMILTON MATERIALS INC - CIVIL DEFENDENT
 Defendant: INTERNATIONAL HARVESTER COMPANY - CIVIL DEFENDENT
 Defendant: JOHN CRANE INC - CIVIL DEFENDENT
 Defendant: JT THORPE & SON INC - CIVIL DEFENDENT
 Defendant: KAISER ALUMINUM & CHEMICAL CORPORATION - CIVIL
 DEFENDENT
 Defendant: KEENAN PROPERTIES INC - CIVIL DEFENDENT
 Defendant: MASSACHUSETTS INSTITUTE OF TECHNOLOGY - CIVIL
 DEFENDENT
 Defendant: METALCLAD INSULATION CORPORATION - CIVIL DEFENDENT
 Defendant: MOBIL OIL CORPORATION - CIVIL DEFENDENT
 Defendant: NORTH AMERICAN REFRACTORIES CO (NARCO) - CIVIL
 DEFENDENT
 Defendant: OKONITE COMPANY INC THE - CIVIL DEFENDENT
 Defendant: OKONITE COMPANY THE - CIVIL DEFENDENT
 Defendant: OSCAR E ERICKSON INC - CIVIL DEFENDENT
 Defendant: OWENS CORNING - CIVIL DEFENDENT
 Defendant: PACIFIC MECHANICAL CORPORATION - CIVIL DEFENDENT
 Defendant: PARSONS ENERGY & CHEMICALS GROUP INC - CIVIL
 DEFENDENT
 Defendant: PLANT INSULATION COMPANY - CIVIL DEFENDENT
 Defendant: POWER PIPING CO - CIVIL DEFENDENT
 Defendant: QUINTEC INDUSTRIES INC - CIVIL DEFENDENT
 Defendant: RAPID-AMERICAN CORPORATION - CIVIL DEFENDENT
 Defendant: RAYBESTOS-MANHATTAN INC - CIVIL DEFENDENT
 Defendant: RILEY STOKER CORPORATION - CIVIL DEFENDENT
 Defendant: ROCKBESTOS COMPANY - CIVIL DEFENDENT
 Defendant: ROME CABLE CORPORATION - CIVIL DEFENDENT
 Defendant: SCOTT CO OF CALIFORNIA - CIVIL DEFENDENT
 Defendant: SEARS ROEBUCK & CO - CIVIL DEFENDENT
 Defendant: SEQUOIA VENTURES INC - CIVIL DEFENDENT
 Defendant: SIMPLEX TECHNOLOGIES INC THE - CIVIL DEFENDENT
 Defendant: STEEL GRIP SAFETY APPAREL INC - CIVIL DEFENDENT
 Defendant: TEXACO REFINING & MARKETING INC - CIVIL DEFENDENT
 Defendant: THOMAS DEE ENGINEERING COMPANY - CIVIL DEFENDENT
 Defendant: TRIPLE A MACHINE SHOP INC - CIVIL DEFENDENT
 Defendant: UNITED STATES MINERAL PRODUCTS COMPANY - CIVIL
 DEFENDENT
 Defendant: UNIVERSITY MECHANICAL & ENGINEERING CONTRACTORS IN
 - CIVIL DEFENDENT
 Defendant: WR GRACE & COMPANY - CONN - CIVIL DEFENDENT

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LAWSUIT RECORDS

Current Date: 07/27/2005
Court Last Updated: 07-25-2005
Source: CLERK OF THE COURT, JEFFERSON PARISH 24TH JUDICIAL COURT, LA
Database Last Updated: 04-07-2005

CASE INFORMATION

Case Number: 613650
Filing Date: 11/08/2004
Filing Office: JEFFERSON PARISH 24TH JUDICIAL COURT
200 DERBIGNY ST
GRETN, LA 70053
Venue: JEFFERSON, LA

PARTY INFORMATION

Plaintiff: ENGINEERING DYNAMICS INC
Defendant: MASSACHUSETTS INSTITUTE OF TECHNOLOGY
GRETN, LA 70053

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The fact that a business is named as a suit defendant does not necessarily imply a claim for money or performance against that business. Some lawsuits are actions to clear title to property and businesses may be named as parties because they themselves have a lien or claim against the property. This situation is a possibility particularly if there are multiple suit defendants.

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LAWSUIT RECORDS

Current Date: 07/27/2005
Court Last Updated: 07-25-2005
Source: CLERK OF THE COURT, MARICOPA COUNTY SUPERIOR
COURT, AZ
Database Last Updated: 07-07-2005

CASE INFORMATION

Case Number: CV2003-016491
Filing Date: 08/28/2003
Case Type: OTHER - DECLARATORY JU
Filing Office: MARICOPA COUNTY SUPERIOR COURT
201 W JEFFERSON ST
PHOENIX, AZ 85003
Venue: MARICOPA, AZ

PARTY INFORMATION

Plaintiff: HAZEL S DICKSON
Defendant: **MASSACHUSETTS INSTITUTE OF TECHNOLOGY**

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LAWSUIT RECORDS

Current Date: 07/27/2005
Court Last Updated: 07-25-2005
Source: CLERK OF THE COURT, NEW CASTLE COUNTY CHANCERY COURT, DE
Database Last Updated: 07-15-2005

CASE INFORMATION

Case Number: 20479 NC
Filing Date: 08/01/2003
Case Type: TRUSTS
Filing Office: NEW CASTLE COUNTY CHANCERY COURT
Venue: NEW CASTLE, DE

PARTY INFORMATION

Plaintiff: J.P. MORGAN TRUST COMPANY OF DELAWARE
Attorney:
THOMAS R. PULSIFER
Defendant: PHOTO ELECTRONICS CORPORATION
Defendant: **MASSACHUSETTS INSTITUTE OF TECHNOLOGY**
Defendant: THE RAYMOND F. KRAVIS CENTER FOR THE PERFORMING ARTS, INC.
Defendant: GILBRETH, WILLIAM J.
Defendant: TIAA-CREF TRUST COMPANY

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LAWSUIT RECORDS

Current Date: 07/27/2005
Court Last Updated: 07-07-2005
Source: CLERK OF THE COURT, SARASOTA COUNTY CIRCUIT COURT,
FL
Database Last Updated: 05-20-2005

CASE INFORMATION

Case Number: 996738
Filing Date: 05/27/1999
Filing Office: SARASOTA COUNTY CIRCUIT COURT
2000 MAIN STREET
SARASOTA, FL 34237
Venue: SARASOTA, FL

PARTY INFORMATION

Plaintiff: JOAN E APPEL
Defendant: **MASSACHUSETTS INSTITUTE OF TECHNOLOGY**
Defendant: ROBERT A BUTTERWORTH

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LAWSUIT RECORDS

Current Date: 07/27/2005
Court Last Updated: 07-26-2005
Source: CLERK OF THE COURT, OAKLAND COUNTY CIRCUIT COURT,
MI
Database Last Updated: 07-08-2005

CASE INFORMATION

Case Number: 96527787CK
Filing Date: 08/02/1996
Status: DISMISSED - 11/01/1996
Filing Office: OAKLAND COUNTY CIRCUIT COURT
1200 TELEGRAPH RD
PONTIAC, MI 48341
Venue: OAKLAND, MI

PARTY INFORMATION

Plaintiff: MARY JOHNSON
Demand by Party:
\$10,000.00
Defendant: MASSACHUSETTS INSTITUTE OF TECHNOLOGY
MI

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LAWSUIT RECORDS

For Supreme Court WestDocket see 0102041/1999

Current Date: 07/27/2005
Court Last Updated:
Source: NEW YORK SUPREME COURT, NEW YORK
Database Last Updated:

CASE INFORMATION

Title: MASSACHUSETTS INSTITUTE OF TECHNOLOGY v.
TUGRULBEY, KIRYAMAN DONALD BUTTERFIELD
Case Number: 0102041/1999
Filing Date: 02/21/2001

Case Type: U.C.C.; MOTION

Status: DISPOSED

Filing Office: NEW YORK SUPREME COURT, NEW YORK
Venue: NEW YORK, NY
Judge: LEBEDEFF, D.A., ACTIVE

PARTY INFORMATION

Plaintiff: MASSACHUSETTS INSTITUTE OF TECHNOLOGY
Defendant: TUGRULBEY, KIRYAMAN DONALD BUTTERFIELD

Firm Name: SHARINN & LIPSHIE P.C., ATTORNEY OF RECORD LAW
FIRM
ATTORNEY FOR: PLAINTIFF
200 GARDEN CITY PLAZZA, STE 506
GARDEN CITY, N.Y. 11530
516-736-6600

Firm Name: CHARLES J. FINE, ATTORNEY OF RECORD LAW FIRM
ATTORNEY FOR: DEFENDANT
1501 BROADWAY
NEW YORK, NY 10036
212-540-0966

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LAWSUIT RECORDS

For Supreme Court WestDocket see 0125252/2002

Current Date: 07/27/2005
Court Last Updated:
Source: NEW YORK SUPREME COURT, NEW YORK
Database Last Updated:

CASE INFORMATION

Title: MASSACHUSETTS INSTITUTE TECHNOLOGY v. BAAH,
KWABENA AND GLADYS BAAH
Case Number: 0125252/2002
Filing Date: 02/10/2004

Case Type: OTHER; MOTION

Status: DISPOSED

Filing Office: NEW YORK SUPREME COURT, NEW YORK
Venue: NEW YORK, NY
Judge: DIAMOND, MARILYN G., ACTIVE

PARTY INFORMATION

Plaintiff: **MASSACHUSETTS INSTITUTE TECHNOLOGY**
Defendant: BAAH, KWABENA AND GLADYS BAAH

Firm Name: BRIAN J. OBERMAN, ATTORNEY OF RECORD LAW FIRM
ATTORNEY FOR: PLAINTIFF
160 EAST 56TH STREET - 7TH FL
NEW YORK, NEW YORK 10022
212-517-7480

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Database
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LAWSUIT RECORDS

Current Date: 07/27/2005
Court Last Updated: 07-12-2005
Source: CLERK OF THE COURT, SUPERIOR COURT OF CONNECTICUT,
BRIDGEPORT, CT
Database Last Updated: 02-19-2006

CASE INFORMATION

Case Number: CV054005006S
Filing Date: 01/06/2005

Case Type: CONTRACTS - COLLECTIONS
Status: WITHDRAWAL OF ACTION - 01/25/2005

Filing Office: SUPERIOR COURT OF CONNECTICUT, BRIDGEPORT
Venue: BRIDGEPORT, CT

PARTY INFORMATION

Plaintiff: **MASSACHUSETTS INSTITUTE OF TECHNOLOGY**

Attorney:
DORAN & CHINITZ LLC
1698 POST ROAD EAST
WESTPORT, CT 06880
Lic. No.: FIRM NUMBER: 418346

Defendant: CASEY, MATTHEW
7 ROCKY ACRES LANE WESTPORT, CT
06880

Defendant: CASEY, BARTHOLOMEW

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LAWSUIT RECORDS

Current Date: 07/27/2005
Court Last Updated: 07-24-2005
Source: CLERK OF THE COURT, SAN FRANCISCO COUNTY SUPERIOR
COURT, CA
Database Last Updated: 09-20-2001

CASE INFORMATION

Case Number: SCV 310299
Filing Date: 02/29/2000
Case Type: SUPERIOR CIVIL
Filing Office: SAN FRANCISCO COUNTY SUPERIOR COURT
Venue: SAN FRANCISCO, CA

PARTY INFORMATION

Plaintiff: **MASSACHUSETTS INSTITUTE OF TECHNOLOGY**
Defendant: JULIAN ALEXANDER - CIVIL DEFENDENT

TO ORDER ORIGINAL FILINGS OR OTHER RELATED DOCUMENTS,
CALL WEST DOCUMENT RETRIVAL AT 1-877-DOC-RETR (1-877-362-7387).
ADDITIONAL CHARGES APPLY.

The preceding public record data is for information purposes only and is not the official record. The fact that a party is named as defendant does not necessarily imply a claim for money or performance against that party.

END OF DOCUMENT

Search Result

Rank(R) 26 of 31

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LAWSUIT RECORDS

Current Date: 07/27/2005
Court Last Updated: 07-24-2005
Source: CLERK OF THE COURT, SAN DIEGO COUNTY SUPERIOR COURT, CA
Database Last Updated: 05-27-2005

CASE INFORMATION

Case Number: IC767975
Filing Date: 05/25/2001
Case Type: ACCOUNT STATED
Filing Office: SAN DIEGO COUNTY SUPERIOR COURT - SAN DIEGO
Venue: SAN DIEGO, CA

PARTY INFORMATION

Plaintiff: MASSACHUSETTS INSTITUTE OF TECHNOLOGY - PRIMARY PLAINTIFF
Defendant: ROMERO ANGELA - SECONDARY DEFENDANT
Defendant: SANCHEZ ANGELA L ROMERO - SECONDARY DEFENDANT
Defendant: ROMERO LAURIE - SECONDARY DEFENDANT

TO ORDER ORIGINAL FILINGS OR OTHER RELATED DOCUMENTS,
CALL WEST DOCUMENT RETRIVAL AT 1-877-DOC-RETR (1-877-362-7387).
ADDITIONAL CHARGES APPLY.

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END OF DOCUMENT

Search Result

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Database
LS-ALL

LAWSUIT RECORDS

Current Date: 07/27/2005
Court Last Updated: 07-13-2005
Source: CLERK OF THE COURT, PALM BEACH COUNTY CIRCUIT COURT, FL
Database Last Updated: 12-08-2004

CASE INFORMATION

Case Number: 0200246612
Filing Date: 02/25/2002
Demand: IN EXCESS OF \$14,999.00
Filing Office: PALM BEACH COUNTY CIRCUIT COURT
301 N OLIVE AVE 9TH FLOOR
WEST PALM BEACH, FL 33401
Venue: PALM BEACH, FL

PARTY INFORMATION

Plaintiff: PGA RESORT LTD DBA PGA NATIONAL RESORT & SPA
Defendant: **MASSACHUSETTS INSTITUTE OF TECHNOLOGY**

TO ORDER ORIGINAL FILINGS OR OTHER RELATED DOCUMENTS,
CALL WEST DOCUMENT RETRIVAL AT 1-877-DOC-RETR (1-877-362-7387).
ADDITIONAL CHARGES APPLY.

The preceding public record data is for information purposes only and is not the official record. Certified copies can only be obtained from the official source. The public record items reported above may have been paid, terminated, vacated or released prior to today's date.

The fact that a business is named as a suit defendant does not necessarily imply a claim for money or performance against that business. Some lawsuits are actions to clear title to property and businesses may be named as parties because they themselves have a lien or claim against the property. This situation is a possibility particularly if there are multiple suit defendants.

END OF DOCUMENT

Search Result

Rank(R) 31 of 31

Database
LS-ALL

LAWSUIT RECORDS

Current Date: 07/27/2005
Court Last Updated: 07-21-2005
Source: CLERK OF THE COURT, DUVAL COUNTY/COUNTY COURT, FL
Database Last Updated: 06-24-2005

CASE INFORMATION

Case Number: 98-0119SP
Filing Date: 01/06/1998
Demand: \$4,999.00
Filing Office: DUVAL COUNTY/COUNTY COURT
330 E BAY STREET
JACKSONVILLE, FL 32202
Venue: DUVAL, FL

PARTY INFORMATION

Plaintiff: WHITE LINE TRUCKING INC.
Defendant: MASSACHUSETTS INSTITUTE OF TECHNOLOGY
CAMBRIDGE, MA
DUNS: 19-239-5697
HQ DUNS: 00-142-5594

TO ORDER ORIGINAL FILINGS OR OTHER RELATED DOCUMENTS,
CALL WEST DOCUMENT RETRIVAL AT 1-877-DOC-RETR (1-877-362-7387).
ADDITIONAL CHARGES APPLY.

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The fact that a business is named as a suit defendant does not necessarily imply a claim for money or performance against that business. Some lawsuits are actions to clear title to property and businesses may be named as parties because they themselves have a lien or claim against the property. This situation is a possibility particularly if there are multiple suit defendants.

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*** THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY ***

LOS ANGELES COUNTY SUPERIOR COURT CIVIL CASE INDEX

CASE NAME: MASSACHUSETTS INSTITUTE TECH v. FOX MICHAEL A

CIVIL CASE NUMBER: BC 311292

FILING DATE: 02/27/2004

DISTRICT: CENTRAL (LOS ANGELES)

CASE TYPE: CIVIL

PARTY:

PLAINTIFF

DEFENDANT

COMMENT

MASSACHUSETTS INSTITUTE TECH FOX MICHAEL A

25 of 28 DOCUMENTS

*** THIS DATA IS FOR INFORMATION PURPOSES ONLY ***

CIVIL SUMMONS CIVIL COURT OF THE CITY OF NEW YORK-NEW YORK

MASSACHUSETTS INSTITUTE TECH v. LEEUW, LEROTHODT

Plaintiff: MASSACHUSETTS INSTITUTE TECH

Defendant: LEEUW, LEROTHODT
195 CLAREMONT
NEW YORK CITY, NY 10027

Docket Number: 3169195

Filing Date: 10/5/1995

Type: CIVIL SUMMONS

Amount: \$14,973

Attorney: SACHS AND KUSHNER

598 N.W.2d 339 (Table)

Page 2

460 Mich. 860, 598 N.W.2d 339 (Table)

(Publication page references are not available for this document.)

H

(The decision of the Court is referenced in the North Western Reporter in a table captioned "Supreme Court of Michigan Applications for Leave to Appeal.")

Supreme Court of Michigan
In re Estate of Henry Clyde Johnson, Deceased; Mary Ellen Gotshall
v.
Massachusetts Institute of Technology
NO. 112937. COA No. 201404.
June 29, 1999

Disposition: Application for leave to appeal the May 26, 1998 decision of the Court of Appeals is DENIED.

Mich. 1999.

In re Estate of Johnson

460 Mich. 860, 598 N.W.2d 339 (Table)

Not Reported in A.2d
1999 WL 165616 (Conn.Super.)
(Publication page references are not available for this document.)

Page 3

Only the Westlaw citation is currently available.

UNPUBLISHED OPINION. CHECK COURT RULES BEFORE CITING.

Superior Court of Connecticut.
Kenneth REEVES, et al.,
v.
MASSACHUSETTS INSTITUTE OF TECHNOLOGY, et al.
No. 96-6110.
Feb. 2, 1999.

Memorandum

ZOBEL.

1. The parties, by written stipulation, submitted "All issues now pending between them to Alice E. Richmond, Esq. as arbitrator." Ms. Richmond held hearings in which the parties were free to introduce evidence. For present purposes, we may take it that the matter of attorneys fees was mentioned, but no evidence was produced.
2. The Arbitrator's award was for damages without a multiplier, but the Arbitrator specifically found a violation of G.L.c. 93A.
3. It is also undisputed that no evidence pertaining to attorneys fees was submitted to the Arbitrator.
4. It is also undisputed that Plaintiff did not at any time file an application to the Arbitrator to modify or correct the grounds for her award or to clarify it. Nor did Plaintiff make any similar application to the Court.
5. Under the circumstances, I regard it as a matter of law, that this Court can neither remand the matter to the Arbitrator nor hold separate hearings on the question of attorneys fees.
6. I regard it as a matter of law that under the terms of the reference to the Arbitrator the question of attorneys fees should have been raised before her.
7. Therefore, I conclude that Plaintiff is not entitled to relief in respect of so much of Plaintiff's motion as seeks an award of fees.

ORDER

Accordingly, it is *Ordered*, that Judgment enter forthwith for Plaintiff in the amount of the arbitration award, namely, \$33,000, plus interest on \$25,000 from May 20, 1996, and on \$8,000 from September 25, 1996.

Conn.Super.,1999.

Reeves v. Massachusetts Institute of Technology

1999 WL 165616 (Conn.Super.)

Not Reported in A.2d

1998 WL 1781624 (Pa.Com.Pl.)

Page 4

(Publication page references are not available for this document.)

C

Only the Westlaw citation is currently available.

Court of Common Pleas of Pennsylvania.
Rosemarie LUKE and Thomas Luke, husband and wife, Plaintiffs
v.

AMERICAN HOME PRODUCTS CORPORATION, a Delaware Corporation; Wyeth-Ayerst
Laboratories Company, a Delaware Corporation and subsidiary of American Home
Products Corporation; Interneuron Pharmaceuticals, Inc., a Delaware
Corporation; Richard J. Wurtman, Ph.D.; Judith Wurtman, Ph.D.; and
Massachusetts Institute of Technology; Charles R. Grubb, D.O., and Warren
Medical Associates, P .A., Defendants

No. 1998-C-01977.

Nov. 18, 1998.

Edward J. Carreiro, Jr., Esquire, Hatboro, Counsel for Plaintiff.

James A. Young, Esquire, Christie, Parabue, Mortenson & Young, PC, Philadelphia, Counsel for The
University of Pennsylvania Health System, University City Family Medicine and Catherine Fleming, M.S.

Thomas M. McGraw, Esquire, Philadelphia.

Bennett G. Picker, Esquire, Ellen Rosen Rogoff, Esquire, Daniel T. Fitch, Esquire, Stradley, Ronon, Stevens &
Young, Philadelphia, Counsel for SmithKline Beecham Corp.

Alan H. Starr, Esquire, White & Williams, LLP, Philadelphia.

David E. Nicklin, M.D., Philadelphia.

Drug Emporium, Inc., Upper Darby.

Suzanne Gross, Esquire, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia.

Rugby Laboratories Inc., Glenview, IL.

OPINION OF THE COURT

HOGAN, J.

I. FACTUAL AND PROCEDURAL HISTORY

Defendants Richard J. Wurtman, M.D., and Judith Wurtman, Ph.D., began investigating dexfenfluramine hydrochloride for possible approval by the Food and Drug Administration in the early 1970's. In 1980, after discovering that dexfenfluramine hydrochloride suppressed one's appetite for carbohydrates, Defendant Massachusetts Institute of Technology (hereinafter "MIT") was issued a "use" patent. In 1988, Defendants Richard J. Wurtman, Judith Wurtman and MIT founded Defendant Interneuron Pharmaceuticals, Inc. to market dexfenfluramine hydrochloride as a weight loss treatment drug. The Food and Drug Administration

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Superior Information Services, L.L.C.

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CIVIL SUITS FROM MARYLAND
MARYLAND DISTRICT COURT

Defendant: MUHAMMAD BILAL BHUTTA

Defendant Address: MUHAMMAD BILAL BHUTTA
#102
13818 CASTLE BV
SILVER SPRING, MD 20904

Plaintiff: MASSACHUSETTS INST. OF TECHNOLOGY

Plaintiff Address: MASSACHUSETTS INST. OF TECHNOLOGY
77 MASSACHUSETTS AV
CAMBRIDGE, MA 02139

Plaintiff Attorney: COLLINS, PHILIP J
BETHESDA, MD 20817

Number: 0601-013791-2000

Vendor Number: DS-00013791-2000

Date: 5/24/2000

Filing Type: CIVIL SUIT

Case Type: CONTRACT

Amount: \$18,650.15

Status: OPEN

County Filed: MONTGOMERY

Place Filed: MARYLAND DISTRICT COURT

Description: CIVIL SUITS

Search Result Citations List - DOCK-STATE-ALL - PTN(MASSACHUSETTS /1 INSTITUTE /2 TECHNOLOGY) & FLD(AFT 07/01/1995)

Ran Case Number	Case Title	Filing Date	Court	Misc. Info
2. 200111311	BARNES, TRINA v. MIT CORPORATION (DBA MASSACHUSETTS INSTITUTE OF TE	02/28/2001	DISTRICT COURT	HARRIS, TX
3. CJ-2005-2138	CARPENTER, TIMOTHY J v. MASSACHUSETTS INSTITUTE OF TECHNOLOGY	03/14/2005	DISTRICT COURT	OKLAHOMA, OK
8. PB2002-004293	IN RE RICHARD P. DICKSON	09/26/2002	SUPERIOR COURT OF ARIZONA	MARICOPA, AZ
9. PRSPR041731	IN THE MATTER OF STEVEN K KNAPP CHARITABLE TRUST	06/02/2000	SUPERIOR COURT	SANTA CRUZ, CA
14. CL03000313-00	MASS INSTITUTE OF TECHNOLOGY v. BLAIR, REGINA	02/05/2003	VIRGINIA BEACH CIRCUIT	VIRGINIA BEACH, VA
15. CL03000772-00	MASS INSTITUTE OF TECHNOLOGY v. BLAIR, REGINA JONES	03/21/2003	VIRGINIA BEACH CIRCUIT	VIRGINIA BEACH, VA
16. CL03002132-00	MASS INSTITUTE OF TECHNOLOGY v. BLAIR, REGINA JOANN	07/31/2003	VIRGINIA BEACH CIRCUIT	VIRGINIA BEACH, VA
22. 200458684	MASSACHUSETTS INSTITUTE OF TECHNOLOGY (C/O DARYL J v. CARPENTER, TIMOTHY J (AS ADMINISTRATOR OF THE ESTA	10/18/2004	DISTRICT COURT	HARRIS, TX

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